



22C 117090001 - Madison County  
Granite City Steel  
Enforcement File

NEIL F. HARTIGAN  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD  
62706

EPA Region 5 Records Ctr.



320337

September 17, 1987

Honorable Willard Portell  
Madison County Circuit Clerk  
155 North Main Street  
Edwardsville, IL 62025

*Handwritten initials*

Re: People of the State of Illinois v. National Steel Corporation, Madison County

Dear Mr. Portell:

Enclosed please find the original and two copies of a COMPLAINT and SUMMONS for filing in the above-referenced case. Please forward one copy of the complaint, along with the summons to the sheriff for service on the defendant.

Please return one copy of the complaint with your "filed" stamp affixed thereto as well as a copy of the summons bearing proof of service by the sheriff for our files.

Thank you for your cooperation.

Sincerely,

*Joseph Madonia*

JOSEPH MADONIA  
Assistant Attorney General  
Environmental Control Division

JM:dt

Enclosures

RECEIVED  
ENFORCEMENT PROGRAMS

SEP 22 1987

Environmental Protection Agency

RECEIVED  
SEP 24 1987  
IEPA-DLPO

IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL DISTRICT  
MADISON COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No.
	)	
NATIONAL STEEL CORPORATION,	)	
a Delaware corporation,	)	
	)	
Defendant.	)	

COMPLAINT

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, by Neil F. Hartigan, Attorney General of the State of Illinois, complains of the defendant, NATIONAL STEEL CORPORATION, a Delaware corporation, as follows:

COUNT I

1. This count is brought on behalf of the People of the State of Illinois by the Attorney General of the State of Illinois under the authority granted him under sections 42(d), 42(e), and 42(f) of the Illinois Environmental Protection Act (hereinafter "the Act") (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1042(d), 1042(e) and 1042(f)).

2. At all times pertinent to this complaint, National Steel Corporation (hereinafter "the defendant") has owned and operated a steel manufacturing facility, commonly known as the Granite City Division of the National Steel Corporation, or "Granite City Steel" (hereinafter "the facility"), located at 20th and State Streets, Granite City, Madison County, Illinois.

3. At all times pertinent to this complaint, the defendant has operated two "new solid waste management sites" at

the facility and has also conducted "waste disposal operations" at the facility, as those terms are defined by section 3(e) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1003(e)) and by 35 Ill. Adm. Code 807.104 (1985).

4. The defendant conducted waste disposal operations at the oldest of the two solid waste management sites (hereinafter "Site A") from at least some time in 1982 known only to the defendant until some time prior to the date this complaint was filed, known only to the defendant.

5. Construction to develop the second solid waste management site (hereinafter "Site B") began at some time in 1985 known only to the defendant. As of the date this complaint was filed, the defendant had completed the development of Site B, and the defendant was conducting waste disposal operations at Site B.

6. The defendant has used both Sites A and B for the disposal of various wastes generated at the facility from the defendant's steel manufacturing processes.

7. Wastes which the defendant has disposed at both Sites A and B include dusts from blast furnaces, general refuse, demolition debris, and various sludges from the steel works and blast furnaces.

8. Section 21(a) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(a)) provides:

"No person shall:

- a) Cause or allow the open dumping of any waste."

9. Section 3(r) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1003(r)) defines "open dumping" as:

" \* \* \* The consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill."

10. Section 3(bb) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1003(bb)) defines a "sanitary landfill" as follows:

" \* \* \* a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation."

11. The Agency has not issued a permit for the disposal of any waste at either of the defendant's solid waste management sites. The sites on defendant's property have therefore not fulfilled the sanitary landfill requirements set forth in section 3(bb) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1003(bb)).

12. By causing or allowing waste to be consolidated on its property without meeting the sanitary landfill requirements found in section 3(bb) of the Act, the defendant has caused or allowed open dumping of waste, in violation of section 21(a) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(a)).

13. The violations alleged in this count have been repeatedly committed by the defendant, and the violations are continuing and will continue until enjoined by this court.

WHEREFORE, the plaintiff respectfully requests that this court enter an order:

A. Finding the defendant to have violated section 21(a) of the Act;

B. Permanently enjoining the defendant from further violations of 21(a) of the Act;

C. Imposing on the defendant a penalty of ten thousand dollars (\$10,000) for each violation described herein, and imposing an additional penalty of one thousand dollars (\$1,000) per day each violation has continued;

D. Requiring, pursuant to section 42(f) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1042(f)), the defendant to pay the costs and attorney's fees, including the reasonable costs of expert witnesses and consultants, incurred by the plaintiff in connection with this case; and

E. Granting such further relief as this court deems appropriate under the circumstances of this case.

#### COUNT II

1-7. Plaintiff realleges paragraphs 1 through 7 of Count I of this complaint as if fully set forth herein.

8. Section 21(d) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(d)) provides in pertinent part as follows:

"No person shall:

\* \* \*

d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any

conditions imposed by such permit,  
\* \* \* or,

2. In violation of any regulations or standards adopted by the Board under this Act."

9. 35 Ill. Adm. Code 807.201 (1985) provides in pertinent part as follows:

"DEVELOPMENT PERMITS

\* \* \* No person shall cause or allow the development of any new solid waste management site \* \* \* without a Development Permit issued by the Agency."

10. The defendant has caused or allowed the development of both new solid waste management sites at the facility and has thereafter conducted waste disposal operations at both sites without first obtaining a development permit from the Agency.

11. By causing or allowing the development of the two new solid waste management sites at its facility without obtaining a development permit from the Agency, the defendant has violated 35 Ill. Adm. Code 807.201 (1985).

12. By conducting waste disposal operations at the facility in violation of 35 Ill. Adm. Code 807.201 (1985), the defendant is also violating section 21(d)(2) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(d)(2)).

13. As of the date this complaint was filed, the defendant still has not applied for a development permit for its two solid waste management sites at the facility. The defendant has therefore repeatedly committed the above-described violations for the entire time it has developed and operated the solid waste

management sites at the facility, and will continue to do so until enjoined by this court.

WHEREFORE, the plaintiff respectfully requests that this court enter an order:

A. Finding the defendant to have violated 35 Ill. Adm. Code 807.201 (1985) and section 21(d)(2) of the Act;

B. Permanently enjoining the defendant from further violations of 35 Ill. Adm. Code 807.201 (1985) and section 21(d)(2) of the Act;

C. Imposing on the defendant a penalty of ten thousand dollars (\$10,000) for each violation described herein, and imposing an additional penalty of one thousand dollars (\$1,000) per day each violation has continued;

D. Requiring, pursuant to section 42(f) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1042(f)), the defendant to pay the costs and attorney's fees, including the reasonable costs of expert witnesses and consultants, incurred by the plaintiff in connection with this case; and

E. Granting such further relief as this court deems appropriate under the circumstances of this case.

### COUNT III

1-7. Plaintiff realleges paragraphs 1 through 7 of Count I of this complaint as if fully set forth herein.

8. Section 21(d) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(d)) provides in pertinent part as follows:

"No person shall:

\* \* \*

- d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:
  - 1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, \* \* \* or,
  - 2. In violation of any regulations or standards adopted by the Board under this Act."

9. 35 Ill. Adm. Code 807.202(a) (1985) provides as follows:

"a) New Solid Waste Management Sites.

Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Section 807.201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit."

10. As described in Count II of this complaint, the defendant's new solid waste management sites at the facility are required to have development permits pursuant to 35 Ill. Adm. Code 807.201 (1985).

11. As described in Count I of this complaint, the defendant has caused or allowed the operation of the two new solid waste management sites at the facility without an operating permit issued by the Agency.

12. By causing or allowing the operation of the two new solid waste management sites at the facility without an operating permit issued by the Agency, the defendant has violated section 21(d)(1) of the Act and 35 Ill. Adm. Code 807.202(a) (1985).

13. By conducting waste disposal operations at the facility in violation of 35 Ill. Adm. Code 807.202(a) (1985), the defendant is also violating section 21(d)(2) of the Act.

14. The defendant has repeatedly committed the above-described violations for the entire time it has operated the solid waste management sites at the facility and will continue to do so until enjoined by this court.

WHEREFORE, the plaintiff respectfully requests that this court enter an order:

A. Finding the defendant to have violated 35 Ill. Adm. Code 807.202(a) (1985) and sections 21(d)(1) and 21(d)(2) of the Act;

B. Permanently enjoining the defendant from further violations of 35 Ill. Adm. Code 807.202(a) (1985) and sections 21(d)(1) and 21(d)(2) of the Act;

C. Imposing on the defendant a penalty of ten thousand dollars (\$10,000) for each violation described herein, and imposing an additional penalty of one thousand dollars (\$1,000) per day each violation has continued;

D. Requiring, pursuant to section 42(f) of the Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1042(f)), the defendant to pay the costs and attorney's fees, including the reasonable

costs of expert witnesses and consultants, incurred by the plaintiff in connection with this case; and

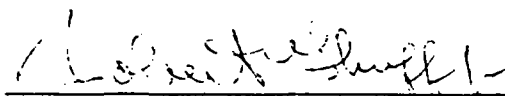
E. Granting such further relief as this court deems appropriate under the circumstances of this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

NEIL F. HARTIGAN  
ATTORNEY GENERAL

BY:

  
ROBERT V. SHUFF, JR.  
First Assistant Attorney General

OF COUNSEL:

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DATED: Sept. 17, 1987